

**GARFUNKEL WILD, P.C.**

ATTORNEYS AT LAW

111 GREAT NECK ROAD • GREAT NECK, NEW YORK 11021

TEL (516) 393-2200 • FAX (516) 466-5964

[www.garfunkelwild.com](http://www.garfunkelwild.com)

**MARC A. SITTENREICH**

Partner

Licensed in NY, NJ

Email:

[msittenreich@garfunkelwild.com](mailto:msittenreich@garfunkelwild.com)

Direct Dial: (516) 393-2533

FILE NO.: 00113.1820

July 11, 2022

**By ECF**

The Honorable Mary Kay Vyskocil  
United States District Court  
Eastern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/12/2022

Re: *Meriyen Dominguez v. St. Barnabas Hospital et ano.*  
Docket No. 21 Civ. 8080

Dear Judge Vyskocil:

We represent Defendant St. Barnabas Hospital, incorrectly sued herein as St. Barnabas Hospital and SBH Health System, in the referenced action. We write pursuant to Rule 2(G) of Your Honor's Individual Rules to respectfully request a 60-day extension of the outstanding discovery deadlines in this action. The present deadline to complete fact discovery is July 18, 2022, and the present deadline to complete expert discovery is September 16, 2022. With the proposed extension, the new deadlines would be September 16, 2022 for fact discovery and November 15, 2022 for expert discovery. We also respectfully request that the post-discovery conference, presently scheduled for October 4, 2022, be adjourned for a commensurate 60 days.

There are two reasons for this request. First, St. Barnabas requires additional records in order to proceed to depositions. In this action, Plaintiff, who is deaf, contends that the Hospital did not provide her with an American Sign Language interpreter or other auxiliary aids and services in connection with her inpatient hospitalizations at St. Barnabas' Emergency Department and Psychiatric Unit. Plaintiff brings claims against the Hospital under various federal, state, and local antidiscrimination statutes and seeks, among other things, damages for emotional distress. As part of paper discovery, Defendants requested, *inter alia*, HIPAA-qualified authorizations for the release of records from other health care providers who have previously treated Plaintiff for mental illness or emotional distress. Although Plaintiff provided some of those authorizations, she inadvertently authorized the release of records to her own counsel, and not to this firm. The parties

NEW YORK

NEW JERSEY

CONNECTICUT

FLORIDA

The Honorable Mary Kay Vyskocil

July 11, 2022

Page 2

are working together to obtain revised authorizations – and additional authorizations for other facilities where Plaintiff received inpatient psychiatric treatment – but it will take additional time to process these new authorizations and to receive records from the third-party providers. St. Barnabas would be prejudiced if it needed to depose Plaintiff without first receiving those records, as they are integral to the parties' claims and defenses and the damages alleged in the Complaint.

Second, I have recently experienced multiple health problems, including vertigo and COVID-19. These illnesses have significantly impeded our ability to complete fact discovery before the present deadline of July 18, 2022.

Plaintiff consents to this request, which is the second request for an extension of discovery deadlines in this matter. The first request was granted by Order dated May 13, 2022.

We thank Your Honor for your time and attention to this matter.

Respectfully submitted,

*/s/ Marc A. Sittenreich*

Marc A. Sittenreich

cc: All Counsel of Record


GRANTED. The Fact Discovery Deadline is extended from July 18, 2022 to September 16, 2022. The Expert Discovery Deadline is extended from September 16, 2022 to November 15, 2022. The Post Discovery Conference Scheduled for October 4, 2022 at 10:00 AM will now be a status conference. One week before that conference, the parties shall file a joint letter in accordance with paragraph 16 of the Civil Case Management Plan and Scheduling Order filed at ECF No. 22.

**PLAINTIFF IS ON NOTICE THAT SHE IS ULTIMATELY RESPONSIBLE FOR THE PROSECUTION OF HER CASE. FURTHER NONCOMPLIANCE WITH DISCOVERY OBLIGATIONS MAY RESULT IN SANCTIONS, INCLUDING PRECLUSION OF RELIANCE ON ANY MATERIAL NOT PROVIDED TO DEFENDANTS, PRECLUSION OF CLAIMS, AND/OR DISMISSAL OF THE CASE. PLAINTIFF ALSO RISKS DISMISSAL OF THE CASE FOR FAILURE TO PROSECUTE.**

Absent exceptional circumstances, the Court will not further extend the discovery deadlines in this case.

SO ORDERED.

Date: 7/12/2022  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge

GARFUNKEL WILD, P.C.